

**U.S. Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy (DNA)
Grazing Permit Transfer & Renewal for North 40, Rye Slough
South and Stoney Face Common Allotments**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



**Determination of NEPA Adequacy
(DNA)
Grazing Permit Transfer & Renewal for North
40, Rye Slough South and Stoney Face Common
Allotments**

DOI-BLM-CO-FO20–2015–0056 DNA

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO**

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Chapter 1. Determination of NEPA Adequacy (DNA)

Worksheet

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U.S. Department of the Interior
Bureau of Land Management

OFFICE::, LLCOFO200000

TRACKING NUMBER: DOI-BLM-CO-FO2–2015–0056 DNA

CASEFILE/PROJECT NUMBER:

PROPOSED ACTION TITLE/TYPE: Grazing Permit Transfer & Renewal for North 40 #03684, Rye Slough South #05087 and Stoney Face Common #15018 Allotments

LOCATION/LEGAL DESCRIPTION:

North 40 Allotment: Fremont County T51N, R10E, S. 12 SE1/4, NE1/4

Rye Slough South Allotment: Park County T15S, R75W, Sec 22 S½NE¼, SE¼NW¼, SE¼, E½SW¼

Sec 26 N½NW¼

Sec 27 N½NE¼, NE¼NW¼

Stoney Face Common Allotment: Stoney Face Common Allotment: NMPM, T. 50 N., R. 11 E., sec. 14, 15, 22, and 23.

Fremont County, Colorado

APPLICANT (if any): Badger Creek Ranch LLC & Embry Ranch

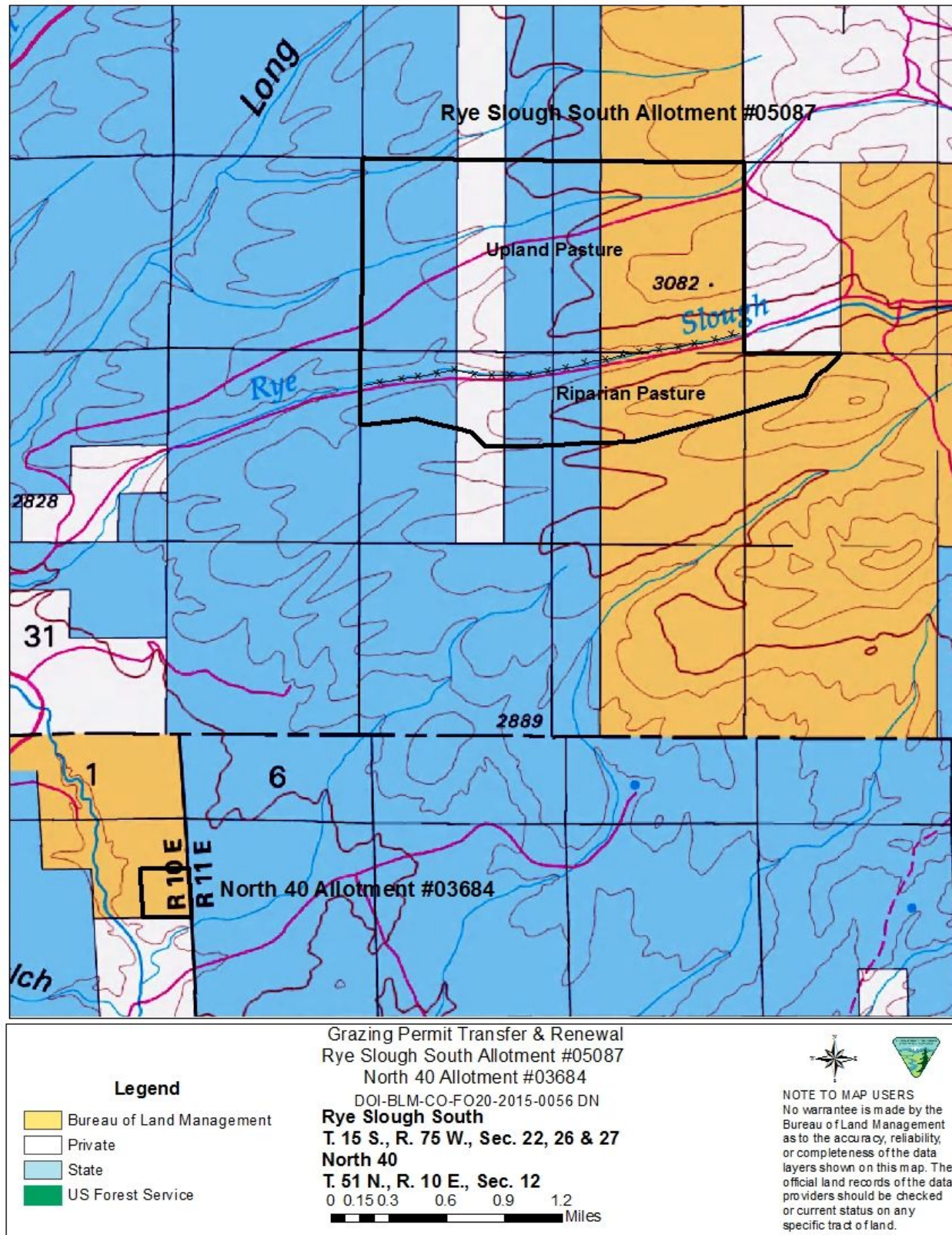
A. Description of Proposed Action and any applicable mitigation measures

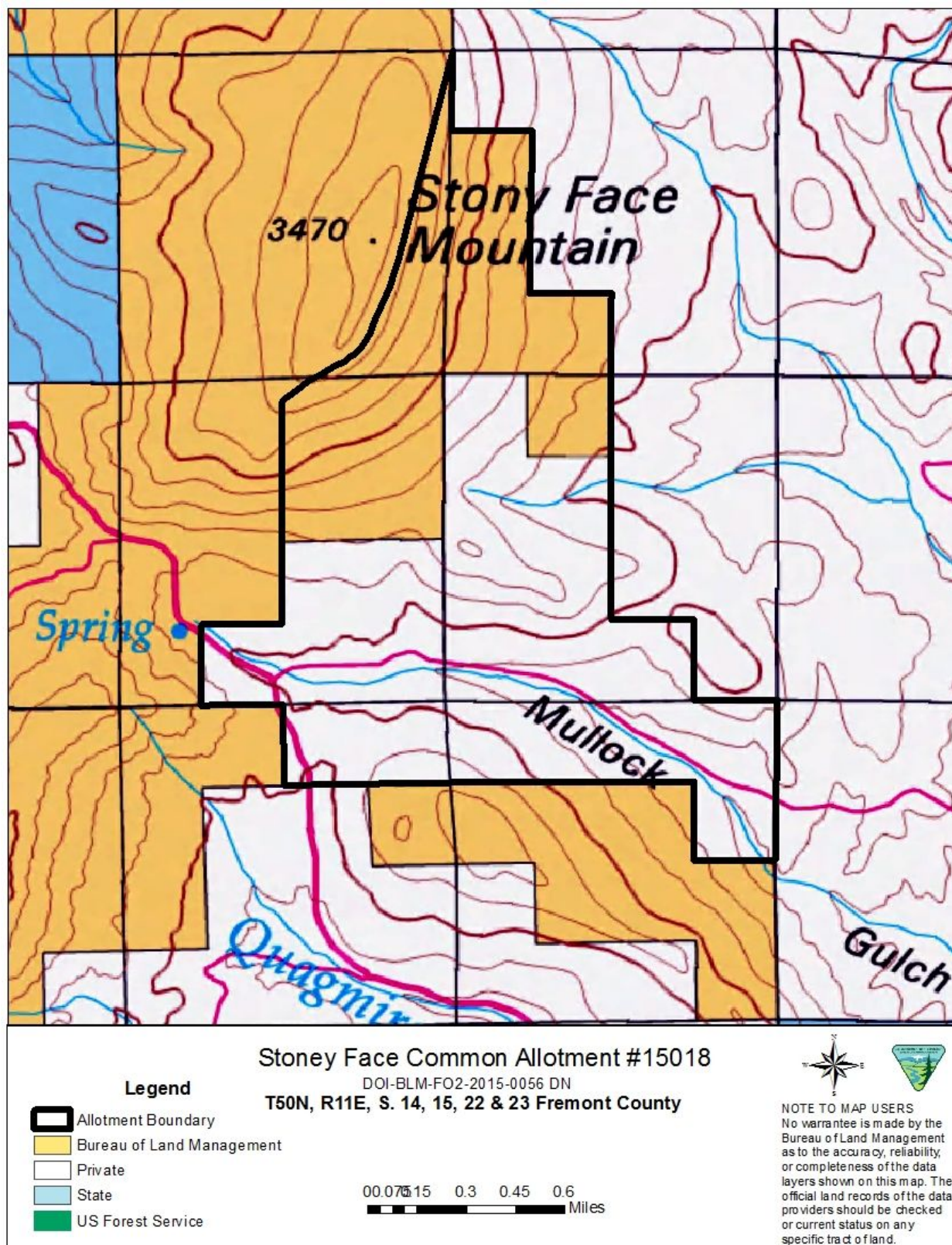
The transfer of grazing preference is conducted under Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 D (1). For NEPA analysis for permit issuance see Part C below.

The proposed action is to transfer the authorization (permit) to graze livestock on public lands included in the North 40, Rye Slough South and Stoney Face Common Allotments. The permits for North 40, Rye Slough South and Stoney Face Common allotments would be issued for ten years as previously scheduled. Grazing use on the allotments will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

The North 40 and Rye Slough South allotments were assessed for Public Land Health Standards in 2007 and again in 2010. In addition, the allotments were fully analyzed for grazing use under BLM-CO-200-2011-0036 EA completed in June, 2011. The Stoney Face Common allotment was assessed for public land health standards in 2010 and analyzed for grazing use under CO-RGFO-00–1029EA. The allotments are currently meeting public land health standards.

As per CFR 4130.3-3 the authorized officer may modify the grazing schedule, terms and conditions of the permits at any time during the term when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives.





B. Land Use Plan Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 5/13/1996
Other Document	Date Approved
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions).

4-2, 4-4, 6-2, 6-4, 6-6, C-30, C-43

4-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

4-4: Grazing is authorized on 49 allotments.

6-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

6-4: Grazing is authorized on 70 allotments.

6-6: Allotments are categorized as 22 Improve and 4 Maintain.

C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing Environmental Impact Statement. Continue to use allotment management plans (AMPs) on an interim basis until replaced with IAPs.

C-43: Maximum allowable utilization on allotments with rotational grazing will be 80% annual production on grass species and 60% annual production on shrub species. These percentages may have to be reduced on allotments due to wildlife conflicts.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

North 40 and Rye Slough South allotments: BLM-CO-200-2011-0036 EA completed in June, 2011

Stoney Face Common allotment: CO-RGFO-00-0029EA completed in 2001.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessments 2007 & 2010

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the

*Chapter 1 Determination of NEPA Adequacy (DNA)
C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.*

project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The RMP analyzed livestock grazing by allotment with the mandatory terms and conditions. The previous EAs analyzed grazing use and permit renewal on the same allotments. The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates, times, authorized levels of use or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes. The RMP and EA's considered a range of alternatives. The existing EAs for permit renewal continue to be appropriate for current conditions. The EAs included a proposed action alternative whereby grazing prescriptions could potentially change, a no action alternative where grazing prescriptions would remain the same as the previous permit, and a no grazing alternative that were analyzed in the document. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The information and circumstances surrounding the grazing permit in this renewal are unchanged from the previous analysis. No new evidence or circumstances have arisen that would change the analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. There are no negative direct or indirect impacts associated with the proposed action. The impacts analyzed in the permit renewal EAs remain unchanged.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public scoping was conducted for the previous NEPA analysis. No issues were brought forward as a result of this scoping.

E. Persons/Agencies/BLM Staff Consulted

Note

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

REMARKS:

Cultural Resources: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories and sites recorded on the public land in the allotment areas [see Report CR-RG-15-126 R]. Based on the information collected during the literature review, it was determined that in order to assess the potential for impacts to historic properties, additional inventory will not be required, but several sites will need to be revisited in order to establish eligibility and the potential for impacts. The proposed action may proceed and the additional site documentation will be phased over FY15 and conducted under the cultural resource project ID CR-RG-15-129 P. If the site revisits suggest that historic properties are present and may be impacted by range activities, cultural resource staff will work with range managers, in consultation with the SHPO and other interested parties, to identify applicable mitigation strategies.

Native American Religious Concerns: The literature review indicated that no traditional cultural properties have been recorded within the allotment boundaries. Native American Tribal consultation has been completed for these allotments. There is no other known evidence that suggests the project area holds special significance for Native Americans. Therefore, it is unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing.

Threatened and Endangered Species: Since the 2005 EA and Decision Notice, the RGFO mapped primary and secondary lynx habitat in Fremont County. Primary and secondary Canada lynx habitat occurs within the Stoney Face Common and Rye Slough South allotments; there is no Canada lynx habitat in the North 40 allotment. The Stoney Face Common allotment is located within the Waugh Mountain LAU; Rye Slough South is not within a mapped allotment.

Livestock do not appear to be affecting components that contribute to suitable lynx habitat in the Stoney Face Common or Rye Slough South allotments, those being: winter coniferous browse for snowshoe hare coarse woody debris, snowshoe hare and red squirrel prey populations to a degree that negatively alters lynx habitat or makes it unsuitable. The Stoney Face Common or Rye Slough South allotments currently meet desired conditions for grazing management as identified in BLM Land Health Assessments, and grazing management operations are sufficient to satisfy range health and vegetation standards in primary and secondary lynx habitat. Designated critical habitat for Canada lynx does not occur within the Stoney Face Common, Rye Slough South, or North 40 allotments or in the vicinity of allotments. Therefore, Stoney Face Common and Rye Slough South allotments MAY AFFECT BUT ARE NOT LIKELY TO ADVERSELY AFFECT Canada lynx; there is NO EFFECT to Canada lynx from the North 40 allotment.

The 2013 Interagency Southern Rockies Lynx Project Decision screens (Screen 5) were used to satisfy Section 7 consultation with US Fish and Wildlife Service for Canada lynx. There are no other federally listed threatened, endangered or proposed species that have suitable habitat within

these two allotments and there would NO EFFECT on any other federally listed threatened, endangered or proposed species. Section 7 consultation is complete.

Migratory Birds: In 2013, BLM published its draft strategy *BLM Strategic Plan for Migratory Bird Conservation* (IM 2013-119) and signed a 2010 Memorandum of Understanding with the US Fish and Wildlife Service for managing and conserving migratory birds. The intent is to comply with the Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 USC 703), and Executive Order 13186. These documents identify the priority migratory bird species in the planning area within Partners in Flight Physiographic Areas and priority species of conservation concern in Colorado's Land Bird Conservation Plan (Beidleman 2000) that need to be considered during planning and analysis, and avoid effects to breeding activities when possible. Of these species, Table 2 describes the bird species that are known to occur or believed to have habitat within a ¼ mile of the proposed allotment boundary.

Table 1.1.

BLM Priority Migratory Birds	Important Habitat in Planning Area	Life History Traits	CO Breeding Dates
Cassin's finch (<i>Carpodacus cassinii</i>)	winter	Seed and aspen bud eater, ground forager, tree nester, migratory in CO, prefers mountain riparian, conifer, aspen, in CO breeds from April 10 to August 20	April 10 to August 20
horned lark (<i>Eremophila alpestris</i>)	breeding, winter	Seed eater, ground forager, ground nester on bare ground, resident in CO, prefers bare ground, short vegetation, crop fields, feedlots, heavily grazed pasture, breeds in CO from March 1 to August 20	March 1 to August 20
loggerhead shrike (<i>Lanius ludovicianus</i>)	breeding	Insect eater, aerial dive hunting, tree nesting, migratory in CO, prefers mountain grasslands, in CO breeds from April 10 to August 20	April 10 to August 20
Swainson's hawk (<i>Buteo swainsoni</i>)	breeding	Mammalian prey, aerial hunting, tree nesting, resident in CO, prefers mountain grasslands, requires open hunting grounds; requires a 0.25 mile nest buffer, in CO breeds from April 14 to August 20	April 14 to August 20
Virginia's warbler (<i>Oreothlypis virginiae</i>)	breeding	Eats insects, gleaner, ground nester in dense shrubs, migratory in CO, prefers mountain riparian, mountain shrubs, in CO breeds from May 25 to August 15	May 25 to August 15

Williamson's sapsucker (<i>Sphyrapicus thyroideus</i>)	breeding	Eats insects, bark forager, cavity nester, migratory in CO, prefers mountain riparian, mixed conifer forest, in CO breeds from May 1 to August 15	May 1 to August 15
Colorado Partners In Flight & Landbird Conservation Priority Birds	Important Habitat in Planning Area		CO BBAIL Safe Breeding Dates
American dipper (<i>Cinclus mexicanus</i>)	breeding, winter	Eats insects, surface diver, cliff nester, year round in CO	February 21 to August 15
band-tailed pigeon (<i>Patagioenas fasciata</i>)	breeding	Seed eater, foliage gleaner, tree nester, migratory in CO, prefers ponderosa pine forest, occurs in large flocks, in CO breeds from April 21 to September 30	April 21 to September 30
boreal owl (<i>Aegolius funereus</i>)	breeding, winter	Consumes nectar from flowers, willows and currants, hovering, tree nester, migratory in CO, prefers aspen forest, open woodlands, in CO breeds from May 1 to August 20	February 10 to August 10
broad-tailed hummingbird (<i>Selasphorus platycercus</i>)	breeding	Consumes nectar from flowers, willows and currants, hovering, tree nester, migratory in CO	May 1 to August 20
Cordilleran flycatcher (<i>Empidonax occidentalis</i>)	breeding	Insect eater, aerial capture, tree nester, migratory in CO	May 20 to August 10
flamulated owl (<i>Psilosops flammeolus</i>)	breeding	Eats insects, aerial forager, cavity nester, open forest structure, prefers open ponderosa pine forest, requires a 0.25 mile buffer; in CO breeds from May 11 to August 10	May 11 to August 10
green-tailed towhee (<i>Pipilo chlorurus</i>)	breeding	Seed eater, ground forager, shrub nester, migratory in CO, prefers mountain shrub, in CO breeds from May 1 to August 20	May 1 to August 20
Hammond's flycatcher (<i>Empidonax hammondi</i>)	breeding	Insect eater, aerial capture, tree nester, perches on dead branches, migratory in CO	May 30 to August 5
lazuli bunting (<i>Passerina amoena</i>)	breeding	Insect, seed, and fruit eater, ground forager, shrub nester, migratory in CO, prefers mountain lowland riparian, mountain shrubs, open woodland, in CO breeds from May 1 to August 20	May 5 to August 15
Lewis' woodpecker (<i>Melanerpes lewis</i>)	breeding, winter	Insect eater, aerial capture, cavity nester, migratory in CO	April 15 to August 5

olive-sided flycatcher (<i>Contopus cooperi</i>)	breeding	Insect eater, aerial capture, tree nester, perches on snags, migratory in CO	June 1 to July 31
prairie falcon (<i>Falco mexicanus</i>)	breeding	Aerial forager birds, especially starlings, prefers shortgrass prairie, crop fields, feedlots, nests in cliffs, trees, and power lines, is sensitive to nest failure caused by disturbance during breeding season; requires a 0.5 mile nest buffer; in CO breeds from March 10 to July 25; one nest territory previously documented less than 1 mile from utility corridor	March 10 to July 25
red-naped sapsucker (<i>Sphyrapicus nuchalis</i>)	breeding	Insect eater, bark forager, cavity nester, migratory in CO, prefers aspen forest, in CO breeds from May 10 to August 25	May 10 to August 25
violet-green swallow (<i>Tachycineta thalassina</i>)	breeding	Insect eater, aerial capture, cavity nester, migratory in CO, prefers aspen forest, open woodlands, snags, in CO breeds from May 5 to August 20	May 5 to August 20
northern goshawk (<i>Accipiter gentilis</i>)		Mature to late seral aspen, coniferous, and mixed forests <11,500' elevation with large forked trees near riparian corridors, alternate nests used in subsequent years in nest territory, high site fidelity to nest territory, in CO breeds from April 1 to September 11, needs a 1/2 mile nest buffer including 30 acre nest area protection for all active and inactive nests for projects affecting nest territories, resident in CO	April 1 to September 11
golden eagle (<i>Aquila chrysaetos</i>)	breeding, winter	Open areas including mountain grasslands, riparian corridors and woodlands with cliffs and large trees nearby for nesting, but few shrubs in understory, abundant small mammalian prey, updrafts used for hunting, from 4,000 to 10,000 elevation, breeding, winter habitats, resident in CO, breeds from February 1 to August 15, requires a 1/2 mile buffer	February 1 to August 15

		for projects affecting nest territories, resident in CO	
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In the above table, the species in bold text are those that have the greatest potential for being affected during the breeding season by livestock or livestock operations. These species nest on the ground or in shrubs. Nesting hiding cover could be removed, nests may be trampled and eggs or chicks may be exposed to nest parasitism, predators and/or lost due to trampling, utilization, and operations. Because livestock operations have been on-going in this location, it is assumed that these migratory bird species that are present in the proposed allotment have acclimated to the livestock operations. Because the RGFO has no baseline inventory data on these migratory bird species, monitoring is needed to determine if this assumption is correct.

MITIGATION: Collect baseline inventory data for the migratory bird species in bold text as described in the table above.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Jeff Williams

Signature of Project Lead

/s/ Melissa K.S. Garcia

Signature of Supervisor

/s/ Martin Weimer

Signature of NEPA Coordinator

/s/ Keith E. Berger

Signature of the Responsible Official

7/28/15

Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.